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- (B) (A) 2. (Amended) An adenovirus according to claim 1, wherein the [expression signal is activated by the] EBV antigen is EBNA 1 [antigen].

REMARKS

U.S. Patent No. 5,837,531 ("the '531 patent") issued on November 17, 1998, with claims 1-16. A reissue application is being filed pursuant to 35 U.S.C. § 251 to correct a potential ambiguity in the claimed subject matter that occurred through error without any deceptive intent. This preliminary amendment is being filed concurrently with the reissue application.

Claims 1-16 are pending in this reissue application. Claims 1 and 2 have been amended to clarify the claimed subject matter. In accordance with 37 C.F.R. § 1.121(b)(2)(iii), support for the amendments to claims 1 and 2 is found, for example, at column 4, lines 32-58. Thus, no new matter has been added.

Claim 2 of the '531 patent has a potential antecedent basis problem, which could render the claim vague and indefinite under 35 U.S.C. § 112, second paragraph. Claim 2 depends from claim 1 and recites that "the expression signal is activated by the EBNA 1 antigen." Claim 1 recites that the expression signal "is inducible by the Epstein-Barr virus (EBV) or a papilloma virus antigen." Thus, claim 2 lacks direct antecedent basis for "the EBNA 1 antigen." To provide proper antecedent basis and eliminate this potential ambiguity, claim 1 was amended to recite that the expression signal is inducible by "an Epstein-Barr virus antigen" rather than by

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